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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,566	02/13/2004	Werner Schuler	7395-000016	8247
27572	7590	04/05/2005		
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER COLLINS, DARRYL J	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/779,566	Applicant(s) SCHULER, WERNER	
	Examiner Darryl J. Collins	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9, 10, 12-15 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8, 11, 16-19 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05102004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the fastening apertures" in line 3 of claim 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "its marginal region" in line 2 of claim 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9, 10, 12, 14, 15 and 20 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al in view of Roberts et al. Line et al teaches an optical arrangement having a plurality (Figure 3) of transmitter elements (Figure 1, element 6) and receiver elements (Figure 1, element 7) mounted on an optical carrier system further comprising diaphragm apertures (Figure 1, element 11) wherein the optical elements are bonded to the optical carrier

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via an injection molding process (column 3, lines 8-11) as claimed in independent claim 1. Lin et al also teaches optical elements being spaced apart from one another (Figure 3) as claimed in dependent claim 3, diaphragm apertures made as diaphragm tubes (column 2, lines 59-64) as claimed in dependent claim 9, an optical system carrier consisting of light-impermeable material (column 2, lines 59-64) as claimed in dependent claim 10, an optical system carrier made as a strip which can be cut to length (column 3, lines 16-17) as claimed in dependent claim 12, an optical carrier system arranged on an electronic board (column 2, line 67- column 3, line 2) as claimed in dependent claim 15 and an optical arrangement in accordance with independent claim 1 (Figure 1) as claimed in dependent claim 20. Lin et al further teaches a method of manufacturing the optical arrangement by an injection molding process (column 3, lines 8-11) as claimed in independent claim 21 and dependent claim 22. Although Lin et al fails to explicitly teach the optical system carrier as being either rigid or flexible as claimed in dependent claim 14, it is believed to be an inherent feature of such a device and thus obvious. Lin et al fails to teach the optical elements as being either diffractive or refractive optical elements. However, Roberts et al teaches an optical arrangement wherein the optical elements may be diffractive or refractive lenses (column 24, lines 56-60) in nature as claimed in independent claims 1 and 21 and dependent claim 2. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the optical arrangement as taught by Lin et al with the well-known diffractive and /or refractive optical elements for an optical arrangement as taught by Roberts et al to achieve the desired emission pattern of the optical device.

Allowable Subject Matter

Claims 4-6, 8, 11, 16-19 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. Although the prior art teaches an optical apparatus as claimed in independent claims 1 and 21, the prior art fails to teach such an apparatus wherein the optical elements have an undercut for engaging the diaphragm aperture as claimed in dependent claim 4, having additional fastening apertures for the optical elements as claimed in dependent claim 5, a particular layout of the optical elements as claimed in dependent claim 8, wherein the optical system carrier is a stamped strip as claimed in dependent claim 11, an optical carrier connected to the optical elements via a snap connection as claimed in dependent claim 16 nor an optical device manufactured via the injection molding steps as claimed in dependent claim 23.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darryl J. Collins whose telephone number is 571-272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



djc


Scott J. Sugarman
Primary Examiner